
Minutes
Regular Meeting
March 12, 2014

Attendance: Mayor Kenneth Neilson, Councilmen Garth Nisson, Thad Seegmiller, Ronald Truman, Jeff Turek, City Manager Roger Carter, City Attorney Jeff Starkey, Community Development Director Drew Ellerman, Public Works Director Mike Shaw, Police Chief Jim Keith, Deputy Recorder Tara Pentz, Audience: Eldon J. Larkin, Julie Wrenski, Cort Erickson, Tom Evans, Becky Evans, John S. Cherry, Shane Hnt, Faith Havick, Paul Havick, Gerri Minus, Patty Gordon, Paul Sampson, Cheryl Sampson, Carole Jacobs, Keith Westbroek, Bonnie West Broek, Douglas Simkins, Sue Simkins, Jose Borunda, Joe R. Payne, Joha Burton, Jule Burton, Aaron Langston, Jim Raines, Darla Mortensen, Fred Jackson, Jeanette Jackson, Wendy Winget, W. Bieselee, Doug Jackson, Deiene Jackson, Karma Ferneluis, Alan Ferneluis, Jennifer Trella, Janice Horrick, Don Bolvin, Clinton Milne, Lane Myers, Barb Bolvin, Mariah Blackwell, John Blackwell, An Joe, Brandon Joe, Lynnette Judd, Brian Olsen, Cherrie Olsen, Robert Welker, Maxine Welker, John Crosley, Susan Crosley, Margaret Pratt, Robert Pratt, Elden Erickson, Bill Draney, Mike Tomasulo, Gayle Stastray, R. Gilbert Bird, Royce Graham, Linda Graham, Dan Buttars, Jan Buttars, Debra Buhler, Mark Buhler, Barry Burnette, Margaret Drake, Vernon Drake, Yolanda Stout, Wayne Stout, Holly Worthington, Ashley Winget, Perry Parkinson, Eldon Gresman, E. Daniel Bowen, Robert McDowell, Theresa Riley, Ross Johnson, Pat Johnson, JJ Reycroft, Marcus peterson, Jay Crosby, Dane Worthington, Leo S. Holdaway, Beth W. Holdaway, Robert B. Wilcock, Kathy Wilcock, Richard Newcomb, Toni Newcomb, Bob Hermandson, Steven Postma, Kathleen Anderson, Betty Leasure, Lynn Leasure, Daniel Payne, Geraldine Payne, Marilyn Larsen, Mark Larsen, Bruce Wylie, Mel Weeks, Doriene Weeks, Rich Winget, Susan Bieselee, W.J. Hammond, Bruce Dockstader, William D. Kerr, Keith Beus, Tami Peterson, Betty L. Kerr, Larry Belliston, Pamela Merrill, R. Wayne Merrill, Fred Jackson, Jeanette Jackson, Justin Gomez, Renne Jaranelle, Clancy Jaranelle, Allen Mathews, Candace M. Mathews, Elizabeth Simmons, Marjorie Belliston, Karen Whiting, Kolene Granger, Patrick Corsini, Gilma Kelly, Ken Bushman, Donna L. Irwin, Kathy Bush, Dee Snarr

Meeting commenced at 6:00 P.M.

Councilman Kress Staheli was excused from the meeting.

Invocation: Councilman Turek

Pledge of Allegiance: Councilman Nisson

1. APPROVAL OF THE AGENDA

Councilman Turek made a motion to approve the agenda to have Item 5C to be heard prior to 5A. Councilman Seegmiller seconded the motion; which passed with the following role call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Councilman Turek made a motion to re-amend the agenda to have Item 5E be heard following 5C. Councilman Truman seconded the motion; which passed with the following role call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

2. ANNOUNCEMENTS

None

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. CONSENT AGENDA

BOARD AUDIT REPORT: Consideration to approve the Board Audit Report for February 2014.

Councilman Truman made a motion to approve the consent agenda with the changes as noted. Councilman Seegmiller seconded the motion; which passed with the following role call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

5. PRELIMINARY PLAT

A. Consideration to approve the Preliminary Plat for The Casitas at Sienna Hills, located at approximately 1900 East 1000 North, north of Grapevine Crossing and east of Copperleaf Subdivision. Applicant: Jim Raines, Brennan Holdings No 100 LLC

Community Development Director Drew Ellerman reviewed:
The applicant is requesting approval of a Preliminary plat for The Casitas at Sienna Hills

subdivision, located at approximately 1900 East 1000 North (on the east boundary of the Copperleaf subdivision). The applicant is wishing to develop 144 lots on an area covering 19.26 acres. The location of this particular project is zoned Planned Community Development (PCD), being part of the Sienna Hills development.

The proposed subdivision conforms to the subdivision requirements and other city ordinances (including the approved PCD) as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

The Planning Commission, by a vote of 3-2, recommended approval of the Preliminary plat for The Casitas at Sienna Hills subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the PCD agreement for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.

10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. The easterly side of the development as shown is adjacent to the proposed detention basin from the Storm Water Master Plan for the PCD, the inundation area for this facility needs to be reflected on the submitted plat.
12. A signed stamped letter stating compliance with the Sienna Hills streets, water, sewer and storm water master plans needs to be submitted with construction drawings.
13. A Flood Plain development Permit will be required prior to any land disturbing activities if ANY work is to be performed within the SFHA.
14. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

Clinton Milne stated he owns the a lot in Copper Leaf. There are only about 4 people who received the notices. He is not certain what the State requirements are for noticing, but he feels it was not met. When the area was originally zoned it was not supposed to be for high density.

Councilman Turek asked what types of homes are intended for the development. He would like to know how this request differs from the original plat.

Jim Raines stated the original PCD for the area was zoned for single family. Since that time, the land owner has come back and received a PCD amendment through Council by rezoning the area to multi-family.

Councilman Seegmiller asked what is the space is between the units shown on the plan is being designated as.

Mr. Raines stated the area is open space, which is maintained by the Home Owners Association. Sienna Hills has a significant amount of open space, and a trails system.

Councilman Truman asked if the multi-family would be more compatible in a different location, he would like to know why are they being put here.

Mr. Raines stated proper planning has a mix of uses, and the land owner feels the area is the best use of the location.

Councilman Truman stated with the higher elevation of the land, they will be very high at 35 feet.

Mr. Raines stated there are other areas in the PCD which are a higher location. The preliminary plat originally approved were for all two-story homes. The twin homes will not be any higher than they would have been.

Councilman Turek made a motion to approve the Preliminary Plat for The Casitas at Sienna Hills, located at approximately 1900 East 1000 North, north of Grapevine Crossing and east of Copperleaf Subdivision with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Seegmiller seconded the motion; which passed with the following role call vote:

<i>Councilman Nisson</i>	<i>Nay</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

B. Consideration to approve the Preliminary Plat for The Arroyo At Sienna Hills, located at approximately 1900 East 600 North. Applicant: Jim Raines, Brennan Holdings No 100 LLC

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a Preliminary plat for The Arroyo at Sienna Hills subdivision, located at approximately 1900 East 1000 North. The applicant is wishing to develop 185 lots on an area covering 58.45 acres. The location of this particular project is zoned Planned Community Development (PCD), being part of the Sienna Hills development.

The proposed subdivision conforms to the subdivision requirements and other city ordinances (including the approved PCD) as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Preliminary plat for The Arroyo at Sienna Hills subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the PCD agreement for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be

maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.

7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.

8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.

9. Driveway locations are to be approved by the Public Works Department.

10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

11. A signed stamped letter stating compliance with the Sienna Hills streets, water, sewer and storm water master plans needs to be submitted with construction drawings.

12. A Flood Plain development Permit will be required prior to any land disturbing activities if ANY work is to be performed within the SFHA.

13. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

Councilman Seegmiller clarified the size and location of the roads within the development.

Councilman Turek asked if the streets have been approved by the Fire Department.

Community Development Director Ellerman explained the streets are all public, and will meet the required standards.

Councilman Truman made a motion to approve the Preliminary Plat for The Arroyo At Sienna Hills, located at approximately 1900 East 600 North with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

C. Consideration to approve the Preliminary Plat for The Escapes at Sunrise Estates, located at approximately 1300 West 1700 North, at the north end of Concord Parkway. Applicant: Jim Raines, Brennan Holdings No 100 LLC

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a Preliminary plat for The Escapes at Sunrise Estates subdivision, located at approximately 1300 West 1700 North. The applicant is wishing to develop 31 lots on an area covering 26.39 acres. The location of this particular project is zoned Single-Family Residential - 15,000 square foot min. (R-1-15). The surrounding zoning is R-1-8, R-1-10 and R-1-12 to the north and east, Open Space to the west, and PUD (Northbridge Estates) to the south.

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Preliminary plat for The Escapes at Sunrise Estates subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

Councilman Seegmiller stated he has a question as it pertains to Item 5C and 5E. He understands the zoning designation should be conditioned upon a development agreement.

Community Development Director Ellerman explained the development agreement pertains only to Z-13-17, which is for the Escapes at Sunrise Ridge.

Mayor Neilson clarified the request is for preliminary plat which does not require a public hearing by the City Council. The public hearing takes place at the time of the zone change as well as public hearing for the Planning Commission during preliminary plat.

Councilman Turek made a motion to approve the Preliminary Plat for The Escapes at Sunrise Estates, located at approximately 1300 West 1700 North, at the north end of Concord Parkway with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Truman seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

D. Consideration to approve the Preliminary Plat for The Escapes at Sunrise Villas, located at approximately 1000 West 1900 North, at the north end of Green Springs Drive. Applicant: Jim Raines, Brennan Holdings No 100 LLC

The applicant is requesting approval of a Preliminary plat for The Escapes at Sunrise Villas subdivision, located at approximately 1000 West 1900 North. The applicant is wishing to develop 116 lots on an area covering 28.67 acres. The location of this particular project is zoned Planned Unit Development (PUD). The surrounding zoning is R-1-8, R-1-10 to the south, R-1-10 to the east, Open Space to the north and R-1-8 and Open Space to the west.

The proposed subdivision conforms to the subdivision requirements and other city ordinances (including the PUD zoning approval) as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Preliminary plat for The Escapes at Sunrise Villas subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and

approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.

2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.

3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.

4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.

5. At the time of final plat submittal, the following documents shall also be submitted:

A. A title report.

B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).

6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.

7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.

8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.

9. Driveway locations are to be approved by the Public Works Department.

10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

11. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

Councilman Seegmiller asked for clarification on the area the developer is leaving as open area.

Community Development Director Ellerman stated it is a nature rise in the terrain, which the developer has decided to leave as an open space area.

Mr. Raines stated this is a unique piece of property because it is bordered by the Northern Corridor.

Susan Beesley asked if the item could be tabled in order to talk to the developer about the design before the City Council makes a decision.

Mr. Raines explained the density for the project falls within the general plan.

Due to upset from the audience, Councilman Seegmiller clarified there are three phases to the area. They have always been presented as three separate phases.

Mr. Winget stated he does not feel what has happened tonight was public clamor. He voted for the Council, which gives him the right to voice his concerns.

Councilman Turek explained the difference in the phasing, and also Item 5E, the Escapes at Sunrise Residences, is the only phase which will have a development agreement attached.

City Attorney Starkey reviewed the definition of public clamor.

Kyle Pasley with SITLA commented every citizen has a right to address what they would like to see in their area. He feels each individual has a right to develop their property, and they are only asking for what has been historically in the general plan.

Councilman Turek made a motion to approve the Preliminary Plat for The Escapes at Sunrise Villas, located at approximately 1000 West 1900 North, at the north end of Green Springs Drive with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Truman seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

E. Consideration to approve the Preliminary Plat & Development Agreement for The Escapes at Sunrise Residences, located at approximately 1700 North 1200 West, north of Northbridge Subdivision. Applicant: Jim Raines, Brennan Holdings No 100 LLC

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a Preliminary plat for The Escapes at Sunrise Residences subdivision, located at approximately 1200 West 1700 North. The applicant is wishing to develop 179 lots on an area covering 67.76 acres. The location of this particular project is zoned Single-Family Residential - 12,000 square foot min. (R-1-12) for approximately three hundred fifty feet (350') on the southern boundary and Single-Family Residential - 10,000 square foot min. (R-1-10) for approximately three hundred feet (300') above the (R-1-12) designation, and Single-Family Residential - 8,000 square foot min. (R-1-8) for the remainder of the development. The surrounding zoning is R-1-15 and Open Space to the west, Open Space and PUD to the north, PUD (Northbridge) to the south, and R-1-10 and PUD to the east.

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. A development agreement has been submitted with this project, it was promised to the City Council during the zoning approval process by the developer. The development agreement is attached to this report for your review. For Council's information, our City Attorney has read the proposed agreement and is not comfortable with the language that has been presented. He would like to proceed though and have City Council discussion during the regular meeting.

The Planning Commission reviewed this request at their February 19, 2014 meeting, and a lengthy discussion was had by staff, the commissioners and surrounding property owners. Staff explained that this project went through extensive discussion during the zone change review by City Council and that indeed the City Council overturned the Planning Commission's 3-2 vote for denial. It was also discussed that the City Council had indeed taken into consideration the Planning Commission and the residents' comments that if a "feathering of lot sizes" were to take place that the project would be more acceptable. With that said, the Planning Commission (by a split opinion) felt the "feathering" approved by the City Council was not enough of a divide between the R-1-12, R-1-10 and R-1-8 zoning districts which were approved. Staff tried to explain that the zoning districts approved by Council are the zone districts that indeed fit this proposed preliminary plat, and are the minimum lot sizes for their given zoning which is now in place.

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a

blasting plan with the construction drawings and issuance of a blasting permit.

11. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

Councilman Seegmiller clarified this zone change was conditioned upon the approval of a Development Agreement.

Community Development Director Ellerman confirmed the item was conditioned upon the approval of a Development Agreement. Due to the fact the agreement is not sufficient for what Staff would prefer to see, he would defer to Council to make the determination if they wish to table the item, or move forward with the agreement as it has been submitted.

Councilman Truman stated he does not see the feathering he would prefer.

Community Development Director Ellerman explained the Ordinance was approved with a legal description along with a map.

Councilman Truman stated it is an inconvenience for all of those citizens who have come to attend the meeting.

City Attorney Jeff Starkey stated it is difficult to lock in a preliminary plat without the zone change ordinance in place. He does not feel the development agreement, which has been submitted locks in the zones as the Council intended.

Councilman Turek stated the development agreement, which has been submitted, does not lock in what was agreed upon at the zone change for the feathering. This should be in place prior to moving forward.

Councilman Seegmiller made a motion to table the Preliminary Plat & Development Agreement for The Escapes at Sunrise Residences, located at approximately 1700 North 1200 West until the April 9th regular meeting. Councilman Truman seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Rich Winget commented the community is in opposition of the R-1-8 zoning. He would like that noted for the record.

With the concern of the citizens, Council explained the zone change and preliminary plat process.

Pam Merrill stated she understands Councilmen Nisson and Truman voted against the zone change. She would like them to explain why they voted against the change.

Councilman Truman explained his reason for voting against, which was to keep a larger buffer

zone between the higher and lower density.

Councilman Nisson stated he did not feel procedure was followed, along with the need for more buffering with the higher density.

Gilma Kelley stated she would like the Council who voted in favor explain why.

Councilman Turek stated he was in favor of the feather, which allows the developer opportunity to have mixed in size lots, along with opportunity use the topography of the land.

Councilman Seegmiller stated he felt the developer was willing to work with the concerns, which was increasing the lot size rather than increasing the density.

Jim Raines stated he represents the developer. He reviewed the density of their proposal in relation to the general plan. He is not proposing a higher density than what is in the Green Spring Area of the General Plan.

Wynn Merrill stated every time he has needed a zone change they have went much further than 300 feet. He does not understand why there is not proof of notification.

Councilman Turek stated there is a legal process for notification, and if the citizens feel this did not take place, then they can move that direction.

6. FEE WAIVERS

A. Consideration to waive the Subdivision Review Fee and the Stormwater Impact Fee, for a school site to be located within the Sienna Hills development. Craig Hammer, Executive Director Washington County School District

City Manager Carter reviewed the request from the Washington County School District for a waiver of fees. However, there is no stormwater fees in the Sienna Hills Development. Therefore, the request is for the Subdivision Review Fees only.

Councilman Seegmiller made a motion to waive the Subdivision Review Fee, for a school site to be located within the Sienna Hills development. Councilman Truman seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

7. ORDINANCES

A. Consideration to approve an Ordinance of Washington City adopting the “Rules for Water Service” to address rules, procedures, policies and fees pertaining to the culinary water system of Washington City and repealing provisions of

Ordinances in conflict herewith. Mike Shaw, Public Works Director

Public Works Director Mike Shaw briefly reviewed the Rules for Water Services as was discussed at the workshop meeting.

Councilman Seegmiller made a motion to approve an Ordinance of Washington City adopting the "Rules for Water Service" to address rules, procedures, policies and fees pertaining to the culinary water system of Washington City and repealing provisions of Ordinances in conflict herewith. Councilman Truman seconded the motion; which passed with the following role call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

8. RESOLUTIONS

A. Consideration to approve a Resolution replacing Ordinance #2006-17 and Amending the Culinary Water Rates for Washington City. Mike Shaw, Public Works Director

Public Works Director Mike Shaw reviewed the Ordinance with Council.

Councilman Truman made a motion to approve a Resolution replacing Ordinance #2006-17 and Amending the Culinary Water Rates for Washington City. Councilman Seegmiller seconded the motion; which passed with the following role call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

9. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE

None

10. CITY MANAGER REPORT

City Manager Carter stated they have begun design on the 2000 South traffic signal. The trail from hell hole to the Virgin River Park is under construction. Currently getting cost estimates on alternatives on the Washington Parkway and Green Springs Drive. It is currently or costs only.

11. ADJOURNMENT

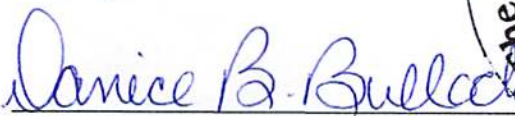
Councilman Turek made a motion to adjourn the meeting. Councilman Seegmiller seconded the motion; which passed with the following role call vote:

Councilman Nisson Aye
Councilman Seegmiller Aye
Councilman Truman Aye
Councilman Turek Aye

Meeting adjourned at 9:54 P.M.

Passed and approved this 9th day of April 2014.

Attest by:



Danice B. Bulloch, CMC
City Recorder



Washington City


Kenneth F. Neilson, Mayor